

B.T. 1
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THE
CASE
AND
PROCEEDINGS

Of at least

Sixty Gentlemen,

Participants and Purchasers, for valuable consideration, of Lands, in the Levell of *Hatfield Chase*, the Counties of *York*, *Lincolne* and *Nottingham*;

AND MORE THEN

Two hundred of their Tenants,
Who have been dispoiled of their Estates, by the inhumane and barbarous Ryots of the Inhabitants of the Mannor of *Epworth*; whereof some have been murthered, others wounded, the Church with their Houses demolished, and the materials thereof, with their Goods taken from them by force: For which cause they the said Rioters were exempted in the last Act of Generall Pardon.

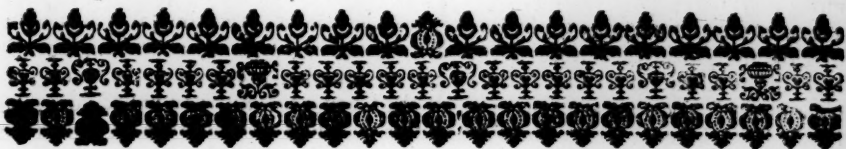
Humbly presented to the Consideration of this present PARLIAMENT, for Redress and Reparation of their so great Losses and Damgages;

As it was also to the severall PARLIAMENTS sitting in the Years 1651, and 1654.



L O N D O N,
Printed in the Year 1656.

Joseph Lincoln 3



The State of the C A S E.



He late King, owner of the severall Mannors of *Hasfield, Thorne, Fishlacke, Dowsethorpe, Stainford, Snaith, Cowicke and Rawcliffe*, in the County of *Yorke*; *Crowle, Epworth, Wroote and Missen* in the County of *Lincoln*; and of *Misterton and Gringley* in the County of *Nottingham*; the wastes of all which lying contiguous and so hurtfully surrounded by the severall Rivers of *Trent, Bickersdicke, Idle, Torne, Dunne and Ayre*, that it yeilded little or no profit to the Commonwealth; but on the contrary nourished beggars and idle persons: and the said King having a Chace of Red-Deer through five of those Mannors, the rest were much annoyed and oppressed thereby; did resolve by the advice of his Council, as well for the easing of his charge, and increase of his revenue, as for the improvement and reducing of so great a quantity of drowned and boggy ground, to be made good meadow, arable and pasture, for the advantage of the Commonwealth: did by advice of his Council, under the Great Seal, contract with *Sir Cornelius Vermuyden*, to drain and lay dry the same, being in all about 600000 Acres of Land at his own charge; and in recompence thereof he should have one third part: And thereupon directed Commissions to severall Gentlemen of those Countries, to treat and agree with all such as pretended right of Common within those severall Mannors; which took effect with all the Mannors unanimously, except the Mannors of *Epworth* in the County of *Lincolne*: and against the Commissioners within that Mannor, *Sir Robert Heath* being the then Attorney Generall, exhibited an Information in the Exchequer Chamber; whereupon 370 Commoners (who were all, that at that time could be discovered to have right of Common there) came and submitted to such an Award as *Sir John Bankes* the then Attorney Generall should make therein: who upon severall hearings of all parties and their Council, made an Award; that of 13400 Acres belonging to that Mannor, which was then drained among the rest of the levell, 6000 Acres should be allotted the Commoners as their part or proportion, lying next the Towns, and so preserved for ever at the charge of the said *Sir C. V.* and the remaining 7400 Acres should be set out in the remotest parts of those washes, to *Sir Cor. Vermuyden* and his participants for their third part, and for the late Kings part, in right of his interest as Lord of the soyle; and this by consent was decreed in the Exchequer Chamber, and possession accordingly established with *Sir Cor. Vermuyden* and his Participants and their Assignes; who being in peaceable and quiet possession, did manure, build, and plant a Town called *Sandisot*, and a Church therein, and placed a Minister, whereto resorted above 200 Families of French and Walloon Protestants (who fled out of their native Country for fear of the Inquisition, only to enjoy the free exercise of their Religion here,) who builded and planted above 200 habitations for husbandry, and plowed and tilled much of the said 24500 Acres of Land, to the great advantage of the Commonwealth:

monwealth: and quietly enjoyed the fruits of such their labours, till about *June* 1642. at which time some of the Inhabitants thereabout, pretending they had right of Common, said they were not bound by the said Decree, and taking advantage of the distractions of those times, rise in tumults, break down the fences and inclosures of 4000 Acres, destroyed all the Corn growing, and pulled down the houses built thereon. Then the Participants petitioned the Lord *Fairfax* and the Earl of *Manchester*, who gave expresse order to quiet those Ryots; but all was in vain, as will appear by the severall Reports made upon a full Examination of the whole Business, and hearing both parties concerned.

In the year 1645. the Participants being thus grievously oppressed, and contrary to Law cast out of their possessions; upon their address to the then Parliament by Petition, they were pleased to make these Orders following. *Viz.*



Wednesday 10th Decemb. 1645.

WHereas the Participants in the draining, and Tenants and Inhabitants of the Levell of *Hatfield Chase* and parts adjacent, in the Counties of *Yorke*, *Lincolne* and *Nottingham*, have petitioned this House, informing that after the expence of at least 20000^{lb} in those Works, the Tennants of the Mannor of *Epworth* (being part of that Draining) consenting to a Decree passed in the Exchequer for settlement of the proportions agreed on, and set out of that Mannor, and ever since enjoyed by the Participants and their Tenants, till of late, and since the distractions of those times, divers of the unruly Inhabitants of the said Mannor, have in a tumultuous manner, thrown down and laid waste a proportion of at least 7400 Acres of Land, and destroyed a very great quantity of Rapes and Corn growing, by forcible keeping and depasturing their Cattle thereon, demolished very many houses, burned others, cut and burned the Plowes, beat and wounded those they have found ploughing, or have resisted them in any their outrageous acts, and now threaten the drowning of the whole, by cutting of the banks, and misusage of the sluices, and resist the Participants in levying Taxes for repair of the Works, to the great dammage of the Commonwealth in generall, and scandall of the Justice thereof, in case it should not be restrained, and the offenders punished.

For restraining of the like outrages for the future, and for preservation of the peace of the Country; It is Ordered by the Lords in Parliament assembled: That the Sheriff of the said County of *Lincolne*, and Justices of Peace there, shall upon complaint made to them by the Participants of the said Levell, or their Agents, punctually pursue the Statutes made in the 13th year of King *Henry* the 4th, for suppressing of Ryots and routs, and shall call to their assistance, if need require, the trained Bands of the said County, and the Parliaments forces next adjoyning, to be ayding and assisting unto the Participants, in guarding and keeping the Sluices and Sewers, reedifying and repairing what hath been so demolished, and levying the Taxes legally imposed, tending to the preservation of so good and beneficiall a work to the Commonwealth, and for the settling of this businesse; It is further ordered, That the

the Sheriff of the County of *Lincolne* for the time being, shall upon request to him made by the Participants, appoint such a Deputy within the limits of the said Levell, for suddaine ayding and assisting them (if need shall require) as they from time to time shall desire. And it is likewise ordered by their Lordships, That as well the Ministers in the adjacent Parishes, shall upon the next Sunday after receipt of this Order, as the Under-Sheriff of the County of *Lincolne* in the severall adjacent Market-Townes on the Market day, make publication of this Order, that the Inhabitants may take notice hereof, and conforme accordingly.

*Jo. Browne Cleric.
Parliamentorum.*



. Die Sabbathi vicesimo primo Martii 1645.

WHereas the Participants in the draining of *Hasfield Chace* and parts adjacent, in the Counties of *Yorke*, *Lincolne* and *Nottingham*, have petitioned this House, inso much that by Order of the Committee of *Lincolne*, the Tenants and Inhabitants of those drained Lands within the Mannor of *Epworth*, have entred Bonds for payment to the Committee of their Rents due to their Landlords at our *Lady day* now next coming, and at *Michaelmas* next coming, to be deposited in their hands till the tryall of a Title; and likewise that the said Levell is become totally drowned, by the malicious pulling up of a navigable Sluce, which kept the River of *Trent* from flowing into *Pickersdicke*, whereby very great dammage is hapned, not only to the Participants and Tenants in particular, but to the Commonwealth in generall: For reedifying of which, and other Sluces, Banks, Draines and Inclosures demolished, this House did on the 10th of *Decemb.* last settle by Order, which Order the Lords in Parliament assembled doe hereby confirme; And do further Order, That those Bonds for taken from the Tenants, be (upon notice of this Order) brought into this House, to be disposed of as to Justice shall appertain: And do likewise require and authorize the Commissioners of Sewers for the said Levell, that they be ayding and assisting to the Participants with all their legall authority, in reedifying the things so demolished, and preserving the said Levell from future inundation and destruction by the pretended Commoners; in which they are hereby authorised and required, to call to their assistance the Sheriffs of the County, and the Justices of the Peace next adjoyning to the said Works, to be ayding and assisting in the establishing and preservation of so good and beneficiall a work to the Commonwealth.

*Jo. Browne Cleric.
Parliamentorum.*

Upon the Bill in the Exchequer Chamber for establishing the possession against those seven who brought their Actions at Law: the Court upon severall debates and search of the presidents, they made this Order following.

Mercurii decimo die Februarii 1646.

WHereas in the Cause here depending, by English Bill exhibited by Sir *Thomas Abdy* Knight and others, Plaintiffs against *James Mawe, Gregory Tore, William Bire, Richard Mawe, Robert Barnard, William Tonge, Thomas Medley*, and others, the Tenants and Inhabitants of *Epworth* in the County of *Lincolne* Defendants, upon hearing of his Majesties Solicitor generall on the said Plaintiffs behalf, concerning the stay of Suits by Action at Law brought by the said Defendants, against *Anthony Masingarb* and others Plaintiffs in this Court, claiming under his Majesties Title; It was ordered by this Court the Eight day of this instant *February*, That the Council on either part should attend this Court this day, concerning the stay of the said Suits, and that in the mean time the said Defendants were ordered not to proceed therein, as by the said Order at large appeareth. Now upon hearing of Mr Solicitor Generall, Mr *Thorpe* and others on the behalf of the said Plaintiffs, and of Mr *Gates, Mr Ellis* and others on the behalf of the said Defendants, endeavouring to shew cause for the further proceedings in the said Suits at Law; and upon producing of an Exemplification of a Decree of this Court, for the settling of the quiet possession of the Lands in question, and of the interest of his Majesty therein; It is this day ordered by this Court, That his Majesties Solicitor generall shall proceed upon the said Bill in this Court with all convenient speed: and in the mean time the possession of the Lands in question, to be held in quiet by the said Plaintiffs, as it hath been formerly settled by this Court, and enjoyed at any time since the said Decree made. And that the said Suits at Law shall be stayed by the Injunction of this Court, untill the hearing of the Cause, or that this Court give further order.

Upon which Injunction, the Sheriff having a Writ of Assistance, came with neer 100 persons to quiet the possession, and set up the fences of the 4000 Acres first laid waste; but then *Daniell Noddell* came with 400 men, and forced the Sheriff with all his assistants to flee, and then demolished what the Sheriff had before caused to be set up: Then the Participants brought their Bill to hearing, and during that time, the said Inhabitants rise in tumults, and laid waste the remaining 3400 Acres, as in the Report.

(5)

The Council of State being informed of the continuall Ryots committed by the said Inhabitants, writ the ensuing Letter to the Sheriff of *Lincolneshire*.

SIR

WE are informed that there hath been severall Ryotous and tumultuous gatherings together of people in that County of *Lincolne*, under some pretence about the Commons of *Epworth*; which kinde of meetings ought not at any time to be suffered, but effectually proceeded against as the Laws have directed, that by the punishment of some, others may be deterred from such like attempts: but especially in such times as these, a more diligent care ought to be taken to prevent such meetings of the multitude, that may make use of other pretences to begin Insurrections and carry on designs, to the interruption of the publike peace and danger of the Commonwealth. You are therefore to keep a watchfull eye upon the confluence of people upon any feigned pretences whereby danger may probably arise, and to make use of the power the Law hath put into your hand, and intrusted you with to preserve the peace of the County: And if you find that power not sufficient for that purpose, you may desire assistance from such forces of the Commonwealth as shall be nearest you; who are hereby ordered, and shall have directions, to give you such assistance as shall be necessary for your effecting that work, whereby dangerous consequences may be prevented, and delinquents against the publike peace may be brought to condigne punishment; the people nevertheless for such wrongs as they may have cause to complain of, being left to prosecute their pretences in a peaceable and quiet manner in due course of Law, where they may have right without making themselves Judges in their own Cases, by such exorbitant and irregular courses.

Whitehall the
12th July 1651.

Signed, &c.

To the High Sheriff of the
County of *Lincolne*, These

After these Orders and Letter before mentioned were made herein, yet the Inhabitants aforesaid, ceased not to Ryot, &c. whereupon the said Participants petitioned the Parliament in the year 1651. which was referred to a Committee of the then Parliament the 10th of *January* following: who upon full examination of the whole matter, and Witnesses upon Oath on both sides, made the Report following, viz.

THE



THE
REPORT
OF THE
Committee
OF
PARLIAMENT.

BY vertue of an Order of Parliament of the 10th of *January* 1651. we have taken into Consideration the Petition of the Participants in the Drainage of the Levell of *Hatfield Chace*, and upon Examination of severall Witnesses upon Oath, We finde

That the Petitioners at the Expence of 175046^{lb} or thereabouts, did Drain and lay Dry about 60000 Acres of Land, lying contiguous within the Counties of *York Lincoln* and *Nottingham*, which Land was not worth before 3 shillings 4 pence per Acre, and made the same worth 10 shillings, 12 shillings, 16 shillings, and some 20 shillings per Acre.

That in *June* 1642. the Petitioners had been in a quiet possession by the space of 10 years, of about 7400 Acres of that Land lying within the Mannor of *Epworth*.

That in 1642. *John Allen, John Crosse, Leonard Cowling, William Spaven, Thomas Noble, James Stokeham, Edward Bassendale, Thomas Meggot, Edward Wyldbore, Edward Earle and William Wake, Robert Hawkyworth, Thomas Thomkinson, John Wilson, William Carryer, Robert Snell, John Garland* and divers others, in a Tumultuous manner came into the Levell within the Mannor of *Epworth*, and there brake down the Fences, and put in their Cattle, and destroyed about 160 Acres of growing Corn and Rapes, and then divers of the Inhabitants of *Haxey* came in amongst them and continued Rioting from day to day till they had laid wast about 4000 Acres of the Drained Land, and pulled down severall Houses thereon standing.

That about that time Captain *Kingman* (since dead) with divers others of the Mannor of *Epworth*, pull'd up a Navigable Saffs planted in *Vickerdicke*, which cost the replanting 1500^{lb} at the least.

That shortly after *Thomas Peacocke, Thomas Burton* and divers others, severall daies during the flowing of the Spring Tides, forced open a Sewer called *Snow Sewer*, planted upon the River of *Trent* for venting the waters out of the Levell, and during the ebb shut down the inner doors whereby the waters could not get out; this course they used till they had drowned about 8000 Acres of Corn and Rapes then growing, and the Corn stacks generally half way, with most of the Habitations by the space of Ten weeks.

That the Tenants thus expelled from their Habitations complained to the Committee of *Lincoln*, who gave them an Order to open the Sluce and let out the waters, which Order being brought, the said *Peacocke, Burton* and others, with Muskets defended the Sluce and refused to give obedience

That

That in the year 1647. upon the Bill depending in the Exchequer, exhibited by the Petitioners against the Inhabitants, severall Orders were made for the establishing the possession with the Petitioners, and Order given to the Sheriff to assist them, and then *Daniel Noddell* an Attorney at Law, *Thomas Taukershy*, *Robert Browne*, *Thomas Hill* of *Epworth*, and *Richard Jarvis* of *Omston*, with divers others, to the number of 400 persons, came upon the place Armed with Swords and Muskets to resist, whereby those Orders were fruitless.

That the Petitioners being still kept out of their Possession, brought their Bill to hearing; then the said *Daniel Noddell* the Solicitor for these Inhabitants, got in to his assistance Lieutenant Col. *John Lilburn* and Major *John Wildman*, and while the Cause was hearing, the Inhabitants began to Ryot on 3400 Acres which was yet kept up.

That upon Complaint thereof to the Court of Exchequer, they sent an Injunction and a Writ of Assistance to the Sheriff, to quiet the possession till the hearing of the Cause, but in his presence the Fences are thrown down by multitudes, and the Riotors by force fetch away the Tenants Cattle and Impound them, and refuse to admit Replevins, and force them to Redeem them at what Rate they please.

That the persons Acting in these last Ryots on the 3400 Acres, were *Thomas Hill* of *Epworth*, *Robert Johnson*, *Alexander Fox*, *John Watson junior*, *Thomas Glen*, *John Johnson*, *Richard Mawe* Constable, *Richard Pruster*, *Thomas Hallifax*, *William Elmer*, *John Artus*, *Jehosephat Tayler*, *John Granger*, *Peter Clerke* of *Belton*, *William Robinson*, *Thomas Bernard*, *George Peacocke*, *Jeffery Whitaker* of *Epworth*, *William Whaite* of *Belton*, *John Brocke*, *Samuel Clayton*, *William Popplewell junior*, *Ralph Wray*, *Alexander Fletcher*, *Charles Lawnd*, *Robert Young*, *Robert Pycocke*, *William Pycocke*, *Robert Chesman*, *Alexander Pitts*, *John Foster*, *John Pettyner*, *Matthew Dale*, *John Robson*, *William Parkinson*, *Thomas Granger*, *John Hallifax*, *Charles Teate*, *Edward Hallifax*, *William Swindall*, *Henry Cleire*, *Richard Rose*, *William Thomson*, *Robert Teale*, *Richard Bernard*, *Thomas Clearke*, *Thomas Tayler*, *Matthew Hallifax*, *Thomas Davis senior*, *John Davis junior*, *Peter Bernard High-Constable*, *John Bernard*, all of *Belton*: *William Whiteacre senior*, *William Whiteacre junior*, *Thomas Browne*, *Alexander Mawe sonne* of *John Mawe*, *John Clearke*, *Alexander Clearke senior*, *John Loughton*, *Thomas Coggan sonne* of *George*, *George Chapman*, *Alexander Clearke junior*, *John West*, *George Cniforth*, *Alexander Cutforth*, *Alexander Chapman*, *Thomas Loughton*, *William Crashawe*, *Robert Foster*, *Thomas Stutting*, *Richard Bernard*, *Frances Isle*, *Robert Willson*, *George Wells*, *Peter Chesman*, *Richard Cockes* and *John Hall*, all of *Epworth*: *Simon Wright*, *William Moody*, *John Moody* and *Robert Moody* of *Belton*: *Richard Tayler*, *William Goldsmith*, *Charles Kelsey*, *Robert Barrow*, *John Wells*, *Gregory Johnson*, *Thomas Travers*, *Samuel Maggott*, *Roger Philipson*, *Robert Dawson*, *Thomas Cooper*, *Henry Tayler*, *William Barker*, *Thomas Coggan* and *James Moody*, all of *Haxey*.

That the Tenants being thus Treated, repair severall times to *Michael Monckton* a Justice of the Peace, he refuseth to grant any Warrants, or Pursue any Legal course for their preservation, but on the contrary gives severall Encouragements to the Riotors; and some of them being indicted at a Session for a notorious Ryot, and found Guilty; it was moved by some of the Justices, that they should be fined 4 or 5 Marks apiece; the said *Monckton* moved openly, that they should be fined but 6 pence, and it was carried, that it should be but 12 pence apiece.

That in *February* 1650. upon full hearing in the Exchequer, a Decree was made for establishing the Possession with the Petitioners, which was published upon the place in the presence of divers of the Inhabitants, who having now gotten the influence of *Lilburn*, *Wildman* and *Noddell*, declared that they would not give any Obedience thereunto, nor to any Order of the Exchequer or Parliament, and said they could make as good a Parliament themselves; some said it was a Parliament of clouts, and that if they sent any Forces, they would raise Forces to resist them, and proceed to the defacing of the Church, and within ten daies time the totall demolishing the whole Town of *Santofst*, and other Houses thereabout to the number of 82 Habitations, besides Barns, Stables and other Outhouses, pull

down and break in pieces a Windmill, and destroy all the Corn and Rapes on the 3400 Acres.

That the Damgages by severall testimonies appear to be 80000^{lb} and upward.

That the Land being thus laid wast, the Church defaced, the Town with all the Houses, Mill and Outhouses depopulated, and Corn destroyed (*Lilburn, Wildman, Monckton, Noddel* Confederating) an agreement is made with severall men of the Mannor of *Epworth*, that in Consideration of 2000 Acres of the Land so laid wast to be given to *Lilburn* and *Wildman*, and 200 Acres to *Noddel*, they should defend them from all those Ryots past, and to that purpose were to maintain the said Inhabitants in possession of all the rest of the 7400 Acres before laid wast, and keep them drie, and Deeds Sealed accordingly.

That then *Lilburn* and *Noddel*, *Jasper Margrave* and *George Stevin* of *Crowle* with others, come to *Stantoft* Church on the Lords Day, where the French Congregation of Protestants were gathered, and forced them from thence, and *Lilburn* told them they should not come thither unless stronger than they.

That then *Lilburn* and *Noddel* go to another Mannor called *Crowle*, and there they agree with some of that Mannor to assist them to get their Commons again, as *Epworth* had done, where they advise them that they should Impound the Tenants Cattle, and if they Replevied, to Impound them again and break their Fences, and eat up their Crops, and so tire them out untill they attorned Tenants to them, which they did accordingly.

That the Tenants being thus terrified, and seeing their condition was to be like their Neighbours, they take Leases from *Jasper Margrave*, and *George Stevin*, who gave bonds to save them harmeles, and so the Petitioners by the former force and this practice, were outed of their possession of both those Mannors.

That at the making of those Leases, *Noddel* declares openly in the presence of 20 persons, that he would lay 20 shillings with any man, that as soon as *Lilburn* came to *London*, there should be a new Parliament, *Lilburn* should be one, and call this Parliament to an account; further adding, that they had now finished this of *Lincolnshire* (meaning gotten the Land from the Petitioners) they would go into *Yorkshire* (meaning the rest of the Levell) and do the like there, and then they would give the Attorney Generall work enough to do.

That *Noddel* said at another time, that now they had drawn their Case, they would Print it, and nail it at the Parliament door, and if they would not do them Justice, they would come up, make an Outcry, and pull them out by the ears.

That when they had made the Agreement before mentioned for the 2200 Acres to be divided as aforesaid, then *Lilburn, Wildman* and *Noddel* cause to be measured, and take into their Possessions the proportions above mentioned, and agree with severall persons to Let proportions thereof, *Lilburn* repairs the House that was built for the Minister, and partly pull'd down by the Riotors, and puts his servants into it to keep the possession thus attained, and having forc't away the Minister and Congregation, imployes the Church to the use of a Stable, Cow house and Slaught-ter-house, to lay hay and straw in.

That *Wildman* being present at the Examination of severall Witnesses produced by the Petitioners, who proved that *Wildman* was present when *Lilburn* made the bargain, that they two in Consideration of 2000 Acres to them, and 200 to *Noddel*, of the Land so laid wast, should defend the Inhabitants from all Ryots past and to come, and at their charge maintain them in the Possession of the remaining 5200 Acres, all but the Charge of a triall that was to be in *Michaelmas* Term following; and that he was present when the Deeds were Sealed to *Lilburn* and himself of the 2000 Acres, both which he denied with great Imprecations and invocations of Judgments to fall on him, if he were either Parry or Privy, or was to have had any advantage thereby, till a Deed was produced: which being shewed him, he confessed to be his own Hand and Seal, in which he did Covenant as in that Deed is exprest.

The

The Inhabitants say in their Defence, that the Lands before the Draining fed Cattle fit for the Butchers, but the Witnesses being cross Interrogated say, that it was overflown with water in Summer before the Draining, and that in *May*, *June* and *July*, and all the Summer long, they took Fish in severall places, unless in a very drie Summer, and that they went in Boats Swan-hopping in Summer.

They also say, that Snow Sewer was pulled up to defend the Isle, from the coming of *Sr Ralph Hansby* then of the Kings party.

They also say, that the Sals was pulled up by the Command of one whom they knew not, but he told the Inhabitants that he was a Captain of *Sr John Meldrums*: *Noddel* in defence of his coming with 400 men to oppose the Sheriff, produceth Witnesses, who Depose they heard one say, *Mr Gibbon* sent to invite him to come, And in his Examination in the Exchequer, he saith, he came to apprehend *Mr Gibbon* upon a Warrant.

Noddel also produceth Witnesses, who say he hath been accounted well-affected to the Parliament.

But as to the Charges of Draining, the quiet possession of the Petitioners for ten years, the matter of Force and Ryot, in destroying Corn, in opposing the Sheriff, and throwing down the Fences, pulling down the Houses and Windmill, and fetching away the Tenants Cattle by force, denying Replevins, depopulating the Town of *Santoft*, defacing the Church, forcing away the Minister and Congregation on the Lords Day, the Contract of *Lilburn* and *Wildman* for 2000 Acres to them, and 200 to *Noddel*, the practice with the Tenants of the Mannor of *Crowle*, the language spoken against the Parliament, and the Dammage done to the Petitioners and their Tenants, no Defence is made.

The Parliament being Dissolved before this Report was made to the House: the Council of State send for that Report, and made Reference thereof to a select Committee of the Council and joyned *Mr Scobell*, and upon severall Examinations of Depositions taken in the Court, and hearing of both sides, this ensuing Order was made.



THE O R D E R OF THE Council of STATE.

THe Council of State having heretofore upon the Petition of the Participants, in the Draining of the Levell of *Hatfield Chase*, in the Counties of *York*, *Lincolne* and *Nottingham*, preferred unto them the 14th of *June* last, relating unto a Report drawn up upon full hearing by a Committee of the late Parliament, concerning divers Ryots and Outrages, and other unlawfull Actions committed within the Isle of *Axholm*, by the Inhabitants and Tenants of the Mannor of *Eppworth* in the said County of *Lincolne*, and *Misterton* in the County of *Nottingham*, against the Participants in the said Draynage and the Improvement thereof; did thereupon referre the said Report unto a select

select number of Persons to be considered of, and they to report their Opinions concerning the same to the Council, who having compared the said Reports with the Depositions of Witnesses examined on both sides before the said Committee of Parliament, and also again heard what could be alleadged on either side touching the said Report, have certified unto the Council, that they do finde the substance of the said Report warranted by the said Depositions, and nothing materially objected by the said Inhabitants and Tenants against the same; and upon consideration of the whole matter, have certified their opinions, that the 7400 Acres of Land in the said Report mentioned, ought to be settled in the possession of the Participants, and the same quieted with them; and that a speciall Commission issue to try the Ryoters, that as well the Offenders may be punished, as the Sufferers repaired in a Legall way according to Justice, as by their said Certificate Registered, together with the said Report amongst the Acts and Orders of the Council more at large appeareth: Of all which the Council having taken mature consideration, and approving the said Certificates, and the Opinions therein delivered; and finding by the said Report, that the said Participants have been by the Ryotous tumultuary proceedings and evil practises of divers persons in the said Report particularly named, violently thrown out of the possession thereof, the Corn and Rapes there growing to a great value wholly destroyed, the Houses there built by them for habitation in a great number, and even the whole Town of *Santoft* ruined and demolished, and the Church defaced, the Saffes pulled up, and all the said Improvement endeavoured to be again laid waste, and the Participants kept from their possession thereof by force, notwithstanding a Decree made in the Court of Exchequer upon the said Improvement, and divers Orders and Injunctions since there issued for the preservation of the Participants possession, and prevention from those Ryots and disturbances; which although seconded with Writs of Assistance to the Sheriffs, have been from time to time contemned and disobeyed, to the great affront of Justice, dammage to the Commonwealth in generall, and the prejudice of the Interest of the State in the Fee farm Rent of 1228^{lb} by the year reserved out of the said Improved Lands; all which hath been of late promoted by the countenance and encouragement of Lieutenant Collonel *John Lilburn*, Major *John Wildman*, and one *Daniell Noddiell* a Solicitor; which three by compact and agreement with divers of the said Inhabitants, were to have and measured out to themselves 2200 Acres of the said Participants Lands for their reward in undertaking to defend the said Inhabitants from their Ryots past, and to maintain them in possession of the rest of the said 7400 Acres against the said Participants for the time to come, as by the Report amongst other foul miscarriages and misdemeanors committed and done by the said persons and divers others therein particularly mentioned appeareth. The Council thereupon finding it necessary in this case, where the Decrees and Orders of the Courts of Justice have been with a high hand disobeyed and resisted, to the endangering of the Peace of the Commonwealth, through the opposition of turbulent and seditious spirits, to apply the Military Power in Aid and Assistance of the Civil Government and Execution of Justice; Do hereby Order, Require and Authorize the Forces

Forces of the Army quartering in the said Levell of *Hatfield Chace*, or within the said Counties of *Torke*, *Lincolne* and *Nottingham*, or any of them, or any others that are or shall be in those parts, to be aiding and assisting to the Officers of Justice and the said Participants in Draining of the said Levell, for settling, establishing and keeping the possession of the said 7400 Acres of the late improved Lands within the Mannor of *Epworth* in the said Report mentioned with the said Participants, and also for executing the Decrees and Orders of the said Court of Exchequer, or any other Courts of Justice touching their possession therein, and for preventing such Ryots and Outrages for the future, and in respect of the great Damage suffered by the Participants and their Tenants, it is further Ordered, That the Commissioners of the Great Seal for the time being, do Award a speciall Commission of *Oyer and Terminer* to the Judges of Assize for the said respective Counties, to try the Ryoters, and to punish them according to Law and Justice; and to enquire of the Damages suffered as aforesaid by the Participants and their Tenants, to the end they may have just Reparations for the same. Given at the Council of State at Whitehall the 31 day of August 1653.

John Thurloe
Secretary.

Signed in the Name, and by Order
of the Council of State.

Ans. Asbly Cooper.



Wednesday 31. August 1653.

At the Council of State at Whitehall.

Ordered,

That the Report made to the Council concerning the business of Hatfield Chace in Lincolnshire be humbly presented to the Parliament, and Collonel Thomlinson is desired to present the same accordingly.

But notwithstanding this and the former Orders and Letters of the Parliament and Council, the said Inhabitants still continued in their ryotous and rebellious posture, not giving any obedience unto them, nor the Decrees and Orders of the Court of Exchequer, nor Precepts of the Court of Sewers, standing in defiance and opposition to all Authority. Upon the Petition of the said Participants, and their Tennants, and Remonstrance of the Commissioners of Sewers to His Highness and Council; An Order of reference was made the 15th of *Aprill* 1656. to the Lord Commissioner *Fines*, Lord *Lambert*, Major Generall *Desbrough*, Lord *Lisle*, Lord *Serickland*, or any three of them, to consider of the said Petition, and report there opinion therein to the Council; whereupon the said Lords request Major Generall *irhalley* to call both Parties before him, and to examine the whole matter in the said Petition set forth, and make report thereof unto the said Committee: which accordingly he did.

The Remonstrance of the Commissioners of Sewers.

May it please your Highness:

IN pursuance of your Highness Letters Pattents bearing date the sixth of *July* last, Impowring us amongst others, to provide for the safety and preservation of the Westriding of the County of *Torke*, as also of the Improved Lands within the Levell of *Hatfield Chase* and parts adjacent, within the Counties of *Torke*, *Lincolne* and *Nottingham*; as also by vertue of severall former Commissions, severall Rates or Scots have been imposed by severall Decrees and Laws of Sewers, according to the tenor of the Statute. But when the Officers appointed thereunto, endeavoured the collecting and distraining for those Rates assessed upon the Improved Lands within the Manner of *Epworth* in the Isle of *Axholme* and County of *Lincolne* aforesaid, severall the Inhabitants of the said Isle have evilly intreated, menaced and wounded the said Officers and their Assistants, and riotously rescued their distresses from them: And being not contented with their having in a forcible manner dispossessed the Participants of the said Improvement of 7400 Acres (or thereabouts) of their Lands, as we are credibly informed; for which, and divers other offences, they are excepted out of the generall Act of Pardon; they have necessitated the said Participants, with their remainder of their Improvement in the other Counties, to maintain the banks for preservation of those Lands so taken from them: And notwithstanding their former misdemeanors did too sadly preface their future disobedience; yet hoping, what with earnestness we desired, a change of spirit in them; we requested our worthy friend *Nathaniel Reading* Esq; (being both a Commissioner and Participant,) to see to the getting in of the Assessments charged upon the Lands aforesaid; and upon his acceptance, impowred him accordingly; requiring the Sheriffs of the County to be assistant to him therein: But when the said *M^r Reading* had distrayned severall of their Goods, some of the Inhabitants of the said Isle, to the number of One hundred or thereabouts, with Swords, Pistols, Carbines, Halberts and other Arms, at *Hatfield* in the County of *Torke*, on the 25th day of *Octob.* last, about the hours of Twelve or One in the night, did assault or set upon the persons appointed to keep the Cattell, and having dangerously wounded severall of them, and amongst others the Constable of the said down, who in your Highness Name charged them to keep your peace, with many other hainous circumstances of the Ryot, carried away the goods. And when on the 19 instant, the Sheriff of the said County of *Lincolne*, in pursuance of our Precept, assisted the said *M^r Reading* in the taking of another distress, severall of the Inhabitants aforesaid, to the number of 40 or 50, being armed as aforesaid, came in a riotous manner, and being charged by the Sheriff in your Highness Name, to lay down their Arms and repair to their severall dwellings, they not only refused to give obedience thereunto, but some of them with scandalous and opprobrious language of the person of your Highness, and with divers affronts and menaces, caused the Sheriff and his company to depart away for fear of their lives, and rescued that distress likewise; insomuch that severall

verall persons, as well Officers as others, have upon their Oaths in open Court declared, that they dare not go into the Isle aforesaid, upon execution of certain Orders to them directed, without manifest danger of their lives.

In our reflection upon these miscarriages, our endeavours to vindicate the Authority of your Highness Commission, and relying on the power we derived thence, have not been less than our tender desires of giving your Highness the trouble of their cognizance; nor is it our regret to finde so absolute a necessity thereof less than either. But not being able to accomplish all those ends for which by the said Commission we are intrusted, without getting in the arrears aforesaid, and making the said Lands contributory for the future to the publike Works, as the rest of the Improvement is; nor being able to do either without some extraordinary Assistance to the Civil Power. And fearing least their violence should aime at the further discomposure of the publike peace, as by some of their scandalous and rebellious speeches against your Highness too evidently appears: The duty we alwayes shall have for your Highness and the tranquillity of this Commonwealth, commanded us this Account with the Particulars annexed, in detestation of such evil practises, and apprehension of their evil consequences,

Doncaster the 25th
of January 1655.

Darcy Wentworth.

Edward Neville.

Sam: Bolles.

Rob: Lee.

Will: Addams.

Jo: Vincent.

Sam: Eister.

Hen: Perkins.

Mar: v: Walkenbroughe.

Joseph Thoresby.

Richard Burdet.

John Crosse.

The Report of Commissary Generall Whalley.

IN pursuance of your Order of the 15th of April 1656. requiring me to enquire into the business of the poor Protestant strangers French and Dutch, Inhabitants within the Levell of Hatfield Chase and parts adjacent within the Counties of Torke, Lincolne and Nottingham, and to certifie the state thereof to your Lordships; I have summoned divers Persons, as well on the behalf of the Defendants as Complainants, before and upon the hearing of the matters on both sides, do finde and humbly certifie; That in October 1650. the Inhabitants of Belton and Epworth in the Isle of Axholme (among whom were Richard Mawe, Thomas Barnard, and William Robinson of Belton,) did put in great numbers of Cattell into the Frenchmens Corn, viz. Wheat, Rye and Rapes, to the quantity of 800 or 900 Acres or thereabouts, and kept the Cattell in the said Corn till June following. I likewise further finde, that the Inhabitants of the Isle (amongst whom were Robert Barnard and Jeffery Whitacre of Belton,) did pull down a Windmill of John Amery a French mans near Sandtoft, worth as is conceived 150^{lb}; as also that divers came from Belton and Epworth, and betwixt the 11th day of June 1651. and the end of that moneth, pull'd down 84 dwelling Houses, besides Outhouses. And the said Robert Barnard, did with an iron maule, break down the planks of a Chamber, and told the rest of his company, (being about 50 in number,) that they might do so. And I do further find, that a very great Ryot was committed at Sandtoft in the said Isle on the 19th of October, being the Lords Day

